

REMARKS

This is an Amendment and Reply to the Office Action dated November 10, 2003. The Applicants respectfully request reconsideration and allowance of the application and the claims presently at issue in light of the amendments and remarks set forth herein.

A. Present Status of Application

Claims 1-35 are pending in this application. In reply to a restriction requirement issued by the Examiner, the Applicants elected claims 1-28 without traverse. Accordingly, claims 29-35 have been withdrawn from consideration without prejudice. By this Amendment, claims 1, 14, 16, 17, 27 and 28 have been amended and new claims 36 and 37 have been added. Accordingly, claims 1-28, 36 and 37 are now at issue.

B. Amended Abstract

The Applicants have amended the abstract to address the Examiner's objection to the "is provided" language. This language has been deleted from the abstract.

C. Examiner's Suggestion Regarding Possible Amendments to the Claims

At the outset, the Applicants acknowledge and appreciate the Examiner's suggestion regarding possible claim amendments to better define the invention. The Examiner's suggestion has been considered.

D. Examiner's Rejections

In the present office action, the Examiner has set forth the following rejections:

1. Claims 1-28 have been rejected under 35 U.S.C. §112(2) as being indefinite for failing to particularly point out and distinctly claim the subject matter which the

Applicants regard as the invention. Specifically, the Examiner contends that: recitations such as “a front face to a rear face” (Claim 1, line 5) are unclear as to what element includes these features; recitations such as “the lateral cross member” (Claim 11, line 2) lack antecedent basis; recitations such as “between the arcuate surface and the flat with the brake member” (Claim 14, lines 2-3) are grammatically awkward and confusing; recitations such as “the side openings” (Claim 14, lines 3-4) lack antecedent basis; recitations such as “the first segment” (Claim 17, line 4) are unclear as to which of the first segments is being referred to; and recitations such as “the opposed side walls” (Claim 17, line 8) are unclear as to how one braking surface can engage both of the side walls.

2. Claims 1-28 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,243,783 to Schmidt et al. (“Schmidt”).

E. Reply to Examiner’s Rejections

The Applicants respectfully reply to the Examiner’s rejections as follows:

1. Section 112 Rejections of Claims 1-28

The Applicants have reviewed the claims and, where appropriate, have amended the claims to address the Examiner’s contentions with respect to the Section 112 rejections. Accordingly, by this amendment, these rejections should be withdrawn.

2. Section 102(b) Rejection of Claims 1-28 Based on Schmidt

The Examiner essentially contends that Schmidt discloses the Applicants’ invention as claimed in claims 1-28 and therefore has rejected these claims under Section 102(b). The Applicants respectfully traverse the Examiner’s rejections for at least the following reasons.

Claim 1: Amended claim 1 requires, among other things, “a brake member comprising a spring having a tip at a distal end” and “a braking surface adjacent the tip.” Schmidt, on the other hand, does not disclose a braking surface adjacent a tip of the spring. Indeed, Schmidt discloses a serrated end portion (35) of the spring (34), which acts as a braking surface itself. Schmidt simply does not disclose or suggest a braking surface adjacent to a tip, as required by claim 1 of the Applicant’s claimed invention. Accordingly, the Applicants submit that claim 1 is patentably distinct over Schmidt.

Claim 2: Claim 2 depends directly from claim 1 and is distinguishable from Schmidt for at least the same reasons set forth with respect to claim 1.

Claim 3: Claim 3 depends directly from claim 1 and is distinguishable from Schmidt for at least the same reasons set forth with respect to claim 1.

Additionally, claim 3 requires, among other things, a spring having an end portion having a first segment curving inwardly and a second segment curving outwardly. Contrary to the Examiner’s contentions, the Applicants submit that Schmidt does not disclose or suggest a first segment curving inwardly and a second segment curving outwardly. The segments of spring (34) identified by the Examiner in FIG. 2 of Schmidt are linear. The segments themselves do not curve inwardly or outwardly as required by claim 3.

Claims 4-6: Claims 4-6 depend either directly or indirectly from claim 1 and are distinguishable from Schmidt for at least the same reasons set forth with respect to claim 1.

Claim 7: Claim 7 indirectly depends from claim 1 and is distinguishable from Schmidt for at least the same reasons set forth with respect to claim 1.

Additionally, claim 7 requires, among other things, three pair of serrations. The Applicants submit that Schmidt does not disclose or suggest three pair of serrations as required by claim 7.

Claim 8: Claim 8 depends directly from claim1 and is distinguishable from Schmidt for at least the same reasons set forth with respect to claim 1.

Claim 9: Claim 9 depends directly from claim1 and is distinguishable from Schmidt for at least the same reasons set forth with respect to claim 1.

Additionally, claim 9 requires, among other things, a slider body having a retaining tab adapted for holding the brake member within the slider body. The Applicants submit that Schmidt does not disclose or suggest a retainer tab as required by claim 9. While the Examiner contends that the “flat portions extending upwardly from the central opening (30)” in FIG. 2 of Schmidt are retaining tabs, nothing in Schmidt discloses that these portions are holding the spring (34) within the housing (24). Indeed, the cross-sectional view in FIG. 9 of Schmidt shows that the spring (34) would not even contact these portions based on the position of the spring (34).

Claim 10: Claim 10 depends directly from claim1 and is distinguishable from Schmidt for at least the same reasons set forth with respect to claim 1.

Claim 11: Claim 11 depends directly from claim1 and is distinguishable from Schmidt for at least the same reasons set forth with respect to claim 1.

Additionally, amended claim 11 requires, among other things, a retaining tab on the lateral cross member for retaining the brake member in the slider body. The Applicants submit that Schmidt does not disclose or suggest a retainer tab on a lateral cross member as required by claim 11. As already noted, the Examiner contends that the “flat portions extending upwardly from the central opening (30)” in FIG. 2 of Schmidt are retaining tabs. However, nothing in Schmidt discloses that these portions as holding the spring (34) within the housing (24). Notwithstanding, these portions are not even on a lateral cross member as required by the Applicants’ claimed invention.

Claim 12: Claim 12 depends directly from claim1 and is distinguishable from Schmidt for at least the same reasons set forth with respect to claim 1.

Additionally, claim 12 requires, among other things, a slider body having a plurality of retaining tabs for holding the brake member within the slider body. As noted with respect to claim 9, Schmidt does not even disclose or suggest a single retainer tab as defined by the Applicants' claimed invention, let alone a plurality of retainer tabs.

Claims 13-15: Claims 13-15 depend either directly or indirectly from claim1 and are distinguishable from Schmidt for at least the same reasons set forth with respect to claim 1.

Claim 16: Amended claim 16 requires, among other things, a spring having an end portion having a first segment and a second segment, the first segment curving inwardly and the second segment curving outwardly and having a braking surface thereon. Contrary to the Examiner's contentions, the Applicants submit that Schmidt does not disclose or suggest a first segment curving inwardly and a second segment curving outwardly and having a braking surface thereon. The segments of spring (34) identified by the Examiner in FIG. 2 of Schmidt are linear. The segments themselves do not curve inwardly or outwardly as required by claim 16.

Claim 17-20: Claims 17-20 depend either directly or indirectly from claim 16 and are distinguishable from Schmidt for at least the same reasons set forth with respect to claim 16.

Claim 21: Claim 21 indirectly depends from claim16 and is distinguishable from Schmidt for at least the same reasons set forth with respect to claim 16.

Additionally, claim 21 requires, among other things, three pair of serrations. The Applicants submit that Schmidt does not disclose or suggest three pair of serrations as required by claim 21.

Claim 22: Claim 22 depends directly from claim16 and is distinguishable from Schmidt for at least the same reasons set forth with respect to claim 16.

Claim 23: Claim 23 depends directly from claim16 and is distinguishable from Schmidt for at least the same reasons set forth with respect to claim 16.

Additionally, claim 23 requires, among other things, a slider body having a retaining tab adapted for holding the brake member within the slider body. As already noted with respect to claim

9, the Applicants submit that Schmidt does not disclose or suggest a retainer tab as required by the Applicants' claimed invention. While the Examiner contends that the "flat portions extending upwardly from the central opening (30)" in FIG. 2 of Schmidt are retaining tabs, nothing in Schmidt discloses that these portions are holding the spring (34) within the housing (24). Indeed, as already noted with respect to claim 9, the cross-sectional view in FIG. 9 of Schmidt shows that the spring (34) would not even contact these portions based on the position of the spring (34).

Claim 24: Claim 24 depends directly from claim 16 and is distinguishable from Schmidt for at least the same reasons set forth with respect to claim 16.

Additionally, claim 24 requires, among other things, a slider body having a plurality of retaining tabs adapted for holding the brake member within the slider body. As noted with respect to claim 23, Schmidt does not even disclose or suggest a single retainer tab as defined by the Applicants' claimed invention, let alone a plurality of retainer tabs.

Claims 25-26: Claims 25-26 depend directly from claim 16 and are distinguishable from Schmidt for at least the same reasons set forth with respect to claim 16.

Claim 27: Amended claim 27 requires, among other things, a spring having a pair of distal ends, a tip at each distal end and a braking surface adjacent the tip at each distal end. Schmidt, on the other hand, does not disclose a braking surface adjacent a tip of the spring. Indeed, as already noted with respect to claims 1 and 16, Schmidt discloses a serrated end portion (35) of the spring (34), which acts as a braking surface itself. Schmidt simply does not disclose or suggest a braking surface adjacent to a tip, as required by claim 27 of the Applicants' claimed invention.

Claim 28: Claim 28 requires that, among other things, each end portion have a braking surface located on the convex outer surface of the second segment with each braking surface having a plurality of serrations thereon extending from the second segment. The Applicants submit that Schmidt does not disclose or suggest a braking surface on a convex outer surface of a segment of a spring.

Attorney Docket No. 1247 P 185
Application No. 10/062,302
Amendment and Reply to
Office Action Mailed November 10, 2003
Page 19 of 20

F. Newly Added Claims 36 and 37

The Applicants submit that newly added claim 36 is based on subject matter relating to amended claim 1 and is distinguishable over the references of record for at least the reasons set forth above with respect to claim 1. The Applicants further submit that newly added claim 37 is also distinguishable over the references of record. Accordingly, the Applicants submit that claims 36 and 37 should be allowed. Favorable consideration of this claim is respectfully requested.

Attorney Docket No. 1247 P 185
Application No. 10/062,302
Amendment and Reply to
Office Action Mailed November 10, 2003
Page 20 of 20

CONCLUSION

In light of the foregoing amendments and remarks, the Applicants submit that claims 1-28, 36 and 37 are in condition for allowance. Accordingly, the Applicants request favorable reconsideration and allowance of the present application and all pending claims. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (312) 554-3300.

Respectfully submitted,

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